IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Habeas Corpus Petition No. 12 of 2006

Babbu Arya @ Majid S/o Abdul Wahid
R/o Church Road, Kotdwar,
District Pauri Garhwal.

....Petitioner

Vs.

1. State of Uttaranchal, through Secretary Home Secretariat Complex, Dehradun.
2. Senior Superintendent of Police, District Pauri Garhwal.
3. S.H.O. P.S. Kotdwar, District Pauri Garhwal.
4. Sri Kailash Chand Gaur S/o Mahindar Prasad.
5. Smt. Beena Devi Gaur W/o Mahindar Prasad

Both R/o Shivpur Chauk
Manpur Kotdwar
District Pauri Garhwal. .....Respondents

Sri G.S. Negi, learned counsel for the petitioner.
Sri Vinod Nautiyal, learned counsel for the respondents No.4 and 5.

Hon'ble B.C. Kandpal, J.

Laxmi, who is the daughter of respondent no. 4 and 5, namely, Sri Kailash Chand Gaur and Smt. Beena Devi Gaur are present before the Court and she has been identified by the S.H.O., Kotdwar who is also present in the Court.

2. It has been alleged by the petitioner Babbu Arya @ Majid that he was married to Laxmi as per the Vaidic /Hindu rites and ceremony at Kashouli, District Muzaffarnagar. The date of birth of the Laxmi has been mentioned as 05.05.1985. Laxmi, is present before the Court and by look also she appears to be major.

3. Laxmi has deposed before the Court that she does not want to go with the petitioner – Babbu Arya @ Majid. She has shown her willingness to go with her parents who are respondent No. 4 and 5 and are also present in the Court.

4. Although Laxmi has also disputed the fact with regard to the marriage ceremony but I am not supposed to enter into that controversy at this stage.

5. Keeping in view the statement of Laxmi, she is allowed to go with her parents.

6. This petition is dismissed with the special cost of Rs. 5,000/- which is imposed against the petitioner. In case, if the amount of fine is deposited by the petitioner, the same shall be paid to Laxmi who has been unnecessarily dragged in the proceedings and has been compelled to appear before this Court.

7. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.)

07.08.2006.
ASWAl